

REMARKS

The Examiner is thanked for the indication that claims 13-19 and 28-29 would be allowable if rewritten to overcome rejections under 35 U.S.C. §112, first paragraph, and to include all of the limitations of the base claim and any intervening claims.

Claims 1-29 are pending in the application. Claims 1, 5, 9, 20, and 24 are independent. No claims have been amended, canceled, or added.

Rejection of Claims 1-12 and 20-27 Under 35 U.S.C. §103(a)

In the Office Action, the Examiner rejected claims 1-12 and 20-27 under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 5,953,685 to Bogin et al. (hereinafter “*Bogin*”) in view of U.S. Patent No. 6,021,076 to Woo et al. (hereinafter “*Woo*”). To establish a *prima facie* case of obviousness, an Examiner must show that there is some suggestion or motivation to modify a reference to arrive at the claimed invention, that there is some expectation of success, and that the cited reference teaches each and every element of the claimed invention. (MPEP §2143) *citing In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir.1991)). Applicants respectfully traverse the rejection.

Representative independent claim 1 recites in pertinent part “**increasing** the bandwidth or number of accesses allocated to the processor to a percentage higher than the original percentage of bandwidth or number of accesses allocated when accesses to memory by the processor are **less than** the original percentage of bandwidth or number of accesses allocated to the processor; and **decreasing** the bandwidth or number of accesses allocated to the processor to a percentage lower than an original bandwidth or number of accesses allocated when accesses to memory by the processor are **more than** the original percentage of bandwidth or number of accesses allocated to the processor” (emphasis added).

These elements are not disclosed in disclosed in the combination of *Bogin* and *Woo*. That is, the combination of *Bogin* and *Woo* fails to teach or fairly suggest **both** increasing the bandwidth when actual access are less than the original allocation and decreasing the bandwidth when actual accesses are more than the original allocation.

The Examiner concedes that *Bogin* fails to disclose **increasing** the allocated bandwidth or number of accesses when the actual bandwidth or number of accesses is **less than** the originally allocated bandwidth or number of access but argues that *Woo* teaches **increasing** the allocated bandwidth or number of accesses when the actual bandwidth or number of accesses is **less than** the originally allocated bandwidth or number of access. Applicants respectfully submit that even if *Woo* teaches increasing the allocated bandwidth or number of accesses when the actual bandwidth or number of accesses is less than the originally allocated bandwidth or number of access, as the Examiner asserts, the Examiner has still failed to show where the combination of *Bogin* and *Woo* teach or fairly suggest each and every element of the claimed invention. That is, the proposition the Examiner cites *Woo* for (**increasing** the bandwidth when actual access are less than the original allocation and decreasing the bandwidth when actual accesses are **less than** the original allocation) is not an element of the claimed invention.

Applicants respectfully submit the Examiner has failed to show where the combination of *Bogin* and *Woo* teaches “**decreasing** the bandwidth or number of accesses allocated to the processor to a percentage lower than an original bandwidth or number of accesses allocated when accesses to memory by the processor are **more than** the original percentage of bandwidth or number of accesses allocated to the processor” as recited in the claims. As such, the combination of *Bogin* and *Woo* still fails to teach or fairly suggest each and every element of the claimed invention. Because the combination of *Bogin* and *Woo* fails to teach each and every element of the claimed invention, Applicant therefore respectfully submits that the claimed invention is patentable over the combination of *Bogin* and *Woo*. Accordingly, Applicant respectfully requests that the Examiner reconsider and remove the rejection to claim 1-12 and 20-27.

CONCLUSION

Applicants submit that all grounds for objection and rejection have been properly traversed and that the application is now in condition for allowance. The Examiner is invited to telephone the undersigned representative if the Examiner believes that an interview might be useful for any reason.

Respectfully submitted,

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